FOR MYSORE STATE

Dept (1952) Department.

MS SERIES.

G.O. NO. 648

Dated 11-2-53

[Despatch Abstract.]

Fisheries - Inland - Tungabadra Project Fisheries Conservancy above and below the Dam site - Prohibition of - Rules - Issued

Copy of M 23-24 CF.
6 Addl

1

Dis 59299 F 52

28/5/52

Office of the Director of Fisheries,
Royapettah, Madras d/20-5-52.

11287-C2/52

THIRD ASST. SECRETARY TO GOVERNMENT
26 MAY 1952 pm
DEVELOPMENT DEPARTMENT

To

Sri K.N. Anantaraman, I.C.S.,
Director of Fisheries,
Madras.

The Secretary, to Government,
Development Department,
Fort St. George, Madras.

Sir,

Sub:-Tungabhadra Project - Fisheries Conservancy above and below the Dam site - Proposals -

---

The Assistant Director (Fresh Water Biology), Madras reports that the completion of the Tungabhadra Project is fast progressing; and the reservoir is expected to be formed in 1953 or early in 1954. As a preliminary to the stocking, development and exploitation of this extensive Reservoir, it is necessary that early Conservancy measures are taken to safeguard the existing fish population of this river stretch. Besides as the Dam commences to completely divide the river, heavy congregations of fish would occur below the Dam site. These congregations have also to be protected from indiscriminate Capture.

It is therefore necessary to bring the river stretch from Magalam in Hadagalli taluk to Hosuru village in Hospet taluk under the Indian Fisheries Act. Magalam is about four miles above (upstream) of the Upper end of the Reservoir. It is the only important village at this end of the reservoir and is approachable by this Department throughout the year excepting on days of heavy rain fall. The Tahsildar of Hadagalli taluk, whom the Assistant Director (Fresh Water Biology) Madras met on 26th and 27th April'52, has also suggested this village as the most suited place for our purpose. Hosuru village is about half a mile below, Hosuru Anicut which is about three miles below the Tungabhadra Dam site.

I request that the Government may be pleased to address the Superintendent, Government Press, Madras for publication of the enclosed draft notification in the Fort St. George Gazette. In this connection it is submitted that as the left wing of the anicut is in charge of the Nizam's Dominion, the Nizam's authorities may be consulted before the publication of the notification.

28-5-52

RA/26.5.
Encl: 1

for Director of Fisheries.

Go.Ms.4799 3/12/1945. In cwo 128734/51 3

DRAFT RULES FOR PROHIBITING FISHING IN CERTAIN WATERS

The following draft of certain rules for prohibiting fishing in certain waters which it is proposed to make in exercise of the powers conferred by section 6 of the Indian Fisheries Act, 1897 (Central Act.IV of 1897) is hereby published for general information, as required by subsection(6) of that section.

Notice is hereby given that the draft rules will be taken into consideration after one month from the date of publication of this notification and that any objections or suggestions which may be received from any person with respect thereto before the expiry of the period aforesaid will be considered by the Government of Madras. Objections and suggestions should be addressed to the Secretary to Government, Development Department, Fort St.George, through the Director of Fisheries, Madras.

DRAFT RULES.

1. No person shall fish or attempt to fish by any method in the waters specified in the schedule to these rules except under and in accordance with the conditions of a licence granted by the State Government which shall be obtained from the Research Asst, Govt Fisheries Station, Tungabhadra Project, Hospet.

Provided that this rule shall not apply to the staff of the Department of Fisheries.

2. Whoever commits a breach of rule 1 shall be punishable with fine, which may extend to one hundred rupees, and, when the breach is a continuing breach, with a further fine which may extend to ten rupees for everyday after the date of the first conviction during which the breach is proved to have been persisted in.

3. A Magistrate may, while convicting any person for the breach of rule 1, order the seizure, forfeiture or removal of the nets, traps, fixed engines, or any other contrivance by which such breach was committed and also order the forfeiture of any spawn, fry, fingerlings and fish taken by means of any such nets, traps, fixed engines or other contrivances.

SCHEDULE.

1. The Tungabhadra River from Magalam village in Hadagalli Taluk in Bellary District to Hosuru village in Hospet taluk in Bellary District.

2/15

Pleasanton KB 4/4/52

31-34 3/6

5 Dev (F)

Memo no 59299 F-1/52-1 dated 2/6/52

Sub:- Fisheries - Tungabadra Project - Fisheries Conservancy above and below the Dam Site - Proposals

Ref:- From the D.F. No 11287 C2/52 dated 20-5-52

In the reference cited the D.F. has stated that the Completion of the Tungabadra Project is progressing and the reservoir is expected to be formed only in 1953 or early in 1954. In view of the above the D.F. is requested to state whether he considers it necessary to take even now conservancy measures at this stage. His attention is in this connection invited to item 13 in the Schedule to the rules issued with Govt Memo No 70959 LT 1/44-16 Dev dated 31-10-45 as amended in Memo No. 50831 F/46-20 dated 12-4-47 and ~~as recasted in G.O. No 4799 Dev dated 3-12-45~~

G.O. No 4799 Dev dated 3/12/45

PP 39-40 of Prog (B)

✓ PP 43-44 of (2)

G.O. No 2437 Dev dated 31-5-52

Govt. Regd. No. 237 dtd 9.12.48

Law dept is requested to state whether claim 13 ~~Counsel's letter amended suitably from the point~~ ~~of view of Govt. prohibiting the payment~~ ~~to the Govt's suggested draft amendment~~ for the consideration of the Govt.

Mr. Ce 2.6.52 2.6.52

[illegible]

[illegible] 9-6-52

[illegible]

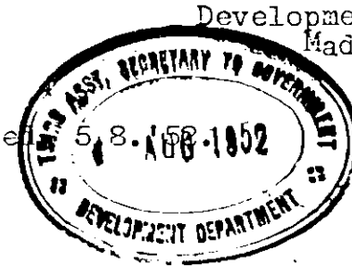
[illegible]

[illegible]

DEPARTMENT OF FISHERIES.

From
Sri.K.N.Anantaramam,I.C.S.,
Director of Fisheries,
Madras 14.

To
The Secretary to Govt.,
Development Department,
Madras 9.



No. 11287-C2/52 Dated 5.8.1952

Sir,

Sub: Fisheries - Tungabadra Project - Fisheries Conservancy above and below the Dam site - proposals -
Ref: Govt.Memo.No. 59299-F/52-1 dated 2.6.'52.

I submit, it is necessary that Conservancy measures are adopted even at this formative stage of the reservoir, for the following reasons:-

1) Even though regular fishermen are few in the area, the villagers on either side of the river stretch largely practice dynamiting in the river, particularly in the deep pools. By this highly destructive method, adult and young stages of important fishes like the Mashseer, Labeo, Wallago and Macrones are killed in large numbers. This gives little opportunity for the fishes to repopulate the river; and consequently the fishery is depleted. For the natural resuscitation of this river fishery, this destructive method has therefore to be prohibited.

2) Under section 4 of the Indian Fisheries Act of 1897, the use of dynamite or other explosive substance in any water with intent thereby to catch or destroy any of the fish that may be therein, is illegal. But this method of dynamiting can be stopped only by applying the rules of the Indian Fisheries Act to the Tungabhadra river by a Gazette notification.

3) As already stated in my letter No.11287-C2/52 dated 20.5.'52, the fishes that congregate below the dam have to be protected from destruction.

4) The reservoir is being formed; and there is already a head of 20 feet of water on the upstream side of the dam. The different kinds of fishes that are already there and that are to be stocked by the Department are to be allowed to grow and develop into a good fishery. This can be achieved only if indiscriminate fishing is prohibited by enforcement of conservancy measures.

5) Item 13 in the schedule to the rules referred by the Government cannot be amended suitably for the reason that that item, namely, "The Tungabhadra to a distance of 1 mile below the Sunkesula Anicut" is situated about 125 miles away in the Kurnool District and is not contiguous with that of the river stretch which is in Bellary District now proposed to be brought under conservancy measures. Hence I submit that a separate notification is necessary.

7.8.52

UL/6.8

For Director of Fisheries.

Memo No. 59299 F/52 - B.3 Dt 14.8.52

Subj:- Fisheries - Tungabadhra Project - Fishery Conservancy above and below the Dam Site proposals -

Ref:- From the D.F. Lr No. 11287.e2/52 Dt 5.8.52

In para 3 of his letter of No. 11287.e2/52 Dt 20.8.52, the D.F. has stated that as the left wing of the Anicut is in charge of the Nizam's Dominion, the Nizam's authorities may be consulted before the publication of the notification issuing rules. He is requested to state whether the rules framed by this Govt will be binding on that portion of the Anicut (and river) lying in the Hyderabad State. If not (this) Govt. may only request the State Govt to take similar measures for the conservancy of fisheries in that portion of the Project lying in

in their State. ~~In view of the above~~ The D.F. is requested to (clarify the position and to) State whether any change in the schedule to the draft rules submitted with the letter referred to — ✓ P 1 of above is necessary and if so to submit revised draft. P 3 of

2. Rule 1 of the draft rules says that no person shall fish or attempt to fish by any method in waters specified in the schedule to these rules except under and in accordance with the conditions of a licence granted by the State Govt. P 3 of

The D.F. is requested to specify the designation of the officer from whom the licence shall be obtained. He is also requested to specify the licence fee. State whether it is not necessary this seems necessary

3. The D.F. is requested

to send his reply in the matter on or before 5.9.52

Compl. 6/9/52

13.8.52 14.8.52

14/8/52

To the D.F.

22 5.9.52

22/8

Note:- Please see the letter from the D.I. on p 7 c/f. in reply to the memo on pp 5-6 c/f. Subject to orders the draft memo on pp 1-3 above is submitted for approval.

13/8/52 14.8.52

14/8/52

.F. 32 (a)—998,256—3-11-49.

Fisheries Department

From (Name) Sri V.John B.A.,F.Z.S.,
Designation Director of Fisheries,
Station Royapettah,
Madras.

Received ____ Registered ____

To

The Secretary to Government,
Development Department,
Madras.

Enclosures:

No. 1287 C2/52, dated 15 - 9 - 1952.

Sir,

Sub: Fisheries - Tungabadra project - conservancy above and below the dam site - proposals.
Ref: Government Dev. memo No. 59299 F/52-3 d/ 14-8-52.

- - - -

The rules framed by this Government will not be binding on that portion of the Tungabadra river lying in the Hyderabad state. Hence, the Hyderabad state Government may please be addressed to take similar measures for the conservancy of fisheries inthat portion of the project lying in that state under the Indian Fisheries Act. This however does not require any change in the schedule to the draft rules already submitted by me

The designation of the officer from whom the licences shall be obtained is the Research Assistant, Government Fisheries Station Tungabadra project, Hospet. There seems no need to specify the licence fees at present, as licences are not to be issued now, but only when the reservoir is completed and a good fishery is found by stocking, conservation and development.

kap. 15-9.

for Director of Fisheries.

Draft I

15

Dev. (F) Department.

Memorandum No.59299 F/52-5 Dated 1.11.52

Sub: Fisheries - Tungabadra Project - Fisheries Conservancy above and below the Dam Site - Prohibition of fishing - Rules - Issue of.

Ref: From the D.F. Lr. No.11287 C2/52 dated 20-5-52.
From the D.F. Lr. No.11287 C2/52 dated 5-8-52.
From the D.F. Lr. No.11287 C2/52 dated15-9-52.

The Superintendent, Government Press is requested to publish the appended notification in the Fort St. George Gazette and in the Bellary District Gazette:

29.9.52 29.9.52 1.10.52

To the S.G.P.
D.F.
Collector of Bellary.
Spy to C.E. Tungabadra Project
S.C. 2

Appendix.
Notification.

The following draft of certain rules for prohibiting fishing in certain waters which it is proposed to make in exercise of the powers conferred by section 6 of the Indian Fisheries Act, 1897 (Central Act IV of 1897) is hereby published for general information, as required by sub-section (6) of that section.

Notice is hereby given that the draft rules will be taken into consideration after one month from the date of publication of this notification and that any objections or suggestions which may be received from any person with respect thereto before the expiry of the period aforesaid will be considered by the Government of Madras. Objections and suggestions should be addressed to the Secretary to Government, Development Department, Fort St. George, through the Director of Fisheries, Madras.

DRAFT RULES.

1. No person shall fish or attempt to fish by any method in the waters specified in the schedule ~~to~~

Published as notfn. 1st nov. 52 at p 479 of Rules Supplement to Part I of the F.S.G.G. dt 12.11.52 A.

to these rules except under and in accordance with the conditions of a licence granted by the State Government which shall be obtained from the Research Assistant, Government Fisheries Station, Tungabadhra Project, Hospet:

Provided that this rule shall not apply to the Staff of the Department of Fisheries.

2. Whoever commits a breach of rule 1 shall be punishable with fine, which may extend to one hundred rupees, and, when the breach is a continuing breach with a further fine which may extend to ten rupees for every day after the date of the first conviction during which the breach is proved to have been persisted in.

3. A Magistrate may, while convicting any person for the breach of rule 1, order the seizure, forfeiture or removal of the nets, traps, fixed engines, or any other contrivance by which such breach was committed and also order the forfeiture of any spawn, fry, fingerlings and fish taken by means of any such nets, traps, fixed engines or other contrivances.

Shedule.

1. The Tungabhadra River from Magalam village in Hadagalli Taluk in Bellary District to Hosuru Village in Hospet Taluk in Bellary District.

Dev. (F) Department.

LETTER NO. 59299 F/52. b Dated 1-11-52

To

The Secretary to the Government of Hyderabad,
Rural Reconstruction Department,
Hyderabad. (with enclosure)

Sir,

Sub: Fisheries - Tungabadra Project - Fisheries Conservancy above and below the Dam site - Prohibition of fishing - Issue of Rules - Requested.

--

I am directed to state that as a preliminary to the development and exploitation of the Fisheries of the Tungabhadra Reservoir, which is expected to be completed in 1953 or early in 1954, it is necessary to take conservancy measures immediately to safeguard the existing fish population of this river stretch. Besides, as the Dam commences to ~~completely~~ divide the river, heavy congregations of fish would occur below the Dam site and these congregations will have to be protected from indiscriminate capture. With a view to achieve the above objects the Government of Madras propose to make rules under the Indian Fisheries Act 1897 (Central Act IV of 1897) prohibiting fishing, except under a licence granted by the Fisheries Department, in the Tungabhadra river from Nagalam village in Hadagalli Taluk to Hosuru village in Hospet taluk in Bellary district. A copy of the draft notification proposed to be issued is enclosed.

I am directed to request that the Government of Hyderabad may consider the question of taking similar measures under the Indian Fisheries Act, 1897 for the conservancy of the fisheries in that portion of the project lying in the Hyderabad State.

Y.F.

Copy to the D.F. with reference to his

V/18

P13 C/6

his letter No.11287 C2/52 dated 15-9-52.

Copy to the Secy. to the Govt. of India, Ministry of Food and Agriculture (Agri) New Delhi.

Dev F. 19/

Memo No 59299 F/52-5 Dt 19.12.52

Sub:- Fisheries - Tungabadhra Project - Fisheries Conservancy above and below the Dam Site - Prohibition of fishing - Rules - Issue of -

Ref:- Govt memo No. 59299 F/52-5 Dt 1.11.52

The attention of the D.F. is invited to the Govt memo cited. The notification was published in the Fort St George Gazette Dt 12.11.52. The D.F. is requested to state whether he has received any objections or suggestions and if so, to forward them to the Govt with his remarks.

Dt 18/12/52

18/12/52

Dt 19/12/52

Dy No D.F.

16.1.53

Encld to 19/12
10.9.15 1/12
19/12
15.6 Cf

Compared 19/12 21.12.

Cf 15 Cf

Fisheries Department.

From
The Director of Fisheries,
Royapettah,
M a d r a s.

To
The Secretary to Government,
Development Department,
Fort St. George, Madras.

No. 11287/52 dated 15-1-53.

Dev 7936/53
15-1-53

Sub: Fisheries - Thungabadhra project - Fisheries - Conservancy above and below anicut - prohibition of fishing rules.
Ref: Dev. memo No. 59293 F/52-7 d/ 19-12-52.

- - - -

I have not so far received any objections or suggestions in the matter.

Sd/- Sivaramakrishnan 17.1.53
for Director of Fisheries.

kap. 16-1.

Dev. (F) Department

Sub: Fisheries - Inland - Tungabadra Project Fisheries Conservancy above and below the Dam site - Prohibition of fishing-Rules - Issued.

Read: From the D.F. Letter No.11287 C2/52 dt.20-5-52
5-8-52
15-9-52
Govt. Memo No.59299 F/52-5 Dev. dated 1-11-1952.
From the D.F.Lr. No.11287 C2/52 dt. 15-1-1953.

ORDER: M. 648 dated 11.2.53

The S.G.P. is requested to publish the appended notification in the Fort St. George Gazette and in the Bellary District Gazette.

To the S.G.P.
" " D.F.
" " Collector of Bellary.
Copy to the C.E. Tungabadra Project.

S.F.

Sc.15.

Appendix.

NOTIFICATION.

In exercise of the powers conferred by section 6 of the Indian Fisheries Act, 1897 (Central Act IV of 1897), the Governor of Madras hereby makes the following rules for prohibiting fishing in certain waters, the same having been previously published with the Development Department Notification dated the 1st November 1952, at page 479 of the Rules & Supplement to Part I of the Fort St.George Gazette dated the 12th November 1952, as required by sub-section(6) of that section.

R U LES

1. No person shall fish or attempt to fish by any method in the waters specified in the Schedule

schedule to these rules except under and in accordance with the conditions of a licence granted by the State Government which shall be obtained from the Research Assistant, Government Fisheries Station, Tungabadhra Project, Hospet:

Provided that this rule shall not apply to the staff of the Department of Fisheries.

2. Whoever commits a breach of rule 1 shall be punishable with fine, ~~with~~ which may extend to one hundred rupees, and, when the breach is a continuing breach with a further fine which may extend to ten rupees for every day after the date of the first conviction during which the breach is proved to have been persisted in.

3. A Magistrate may, while convicting any person for the breach of rule 1, order the seizure, forfeiture or removal of the nets, traps, fixed engines, or any other contrivance by which such breach was committed and also order the forfeiture of any spawn, fry, fingerlings and fish taken by means of any such nets, traps, fixed engines or other contrivances.

Schedule.

1. The Tungabhadra River from Magalam village in Hadagalli Taluk in Bellary District to Hosur Village in Hospet Taluk in Bellary District.

No.59299F/52)

Dev. (F) Department.

Sub: Fisheries - Tungabadhra Project - Fisheries Conservancy above and below the dam site - proposals.

Ref: From the D.F. Lr. No.11287 C2/52 dt. 20-5-52. Issued as Memo No.59299 F/52-1 dt. 2-6-52. From the D.F. Lr. No.11287 C2/52 dated 5-8-52. Issued as Memo No.59299 F/52-3 dated 14-8-52. From the Director of Fisheries Letter No. 11287 C2/52 dated 15-9-1952.

To A.S.

This file deals with the proposal of the D.F. to take necessary measures for the conservation of the Fisheries in Tungabadhra reservoir, above and below the Dam site.

The D.F. has stated that the completion of the Tungabadhra Project is fast progressing; that the reservoir is expected to be formed in 1953 or early in 1954 and that as a preliminary to the stocking, development and exploitation of this extensive Reservoir it is necessary that conservancy measures are taken to safeguard the extensive fish population of this river stretch. The necessity for taking conservancy measures even at the formative stage of the reservoir has been explained by the D.F. on p.7 c.f. The D.F. has stated that as the dam commences to completely divide the river, heavy congregations of fish would occur below the dam site and that these congregations have also to be protected from indiscriminate capture. He has stated that it is therefore necessary to bring the river stretch from Magala village in Hadagalli taluk to Hosuru village in Hospet Taluk under the Indian Fisheries Act. It is stated that Magalam is about four miles above (upstream) of the upper end of the Reservoir and that it is the only important village at this end of the reservoir which could be approached by the Department throughout the year except on days of heavy rainfall.

para 2 cont 1/4

The D.F. has submitted draft rules for the prohibition of fishing in the Tungabadhra Project for approval and publication in the Gazette. The rules will be found on p.3 c.f. and no remarks seem called for on them.

The D.F. has not detailed the conditions under which the licence will be issued and also the licence fees as he does not propose to issue any licences now. He proposes to issue licences only after the reservoir is completed and good ~~fishing~~ fishery is formed. Subject to orders a draft memo is submitted for approval. Legal (scrutiny) may scrutinise the draft rules.

The D.F. has also stated that the Government of Hyderabad State may be addressed to take similar measures for the conservancy of the fisheries in that portion of the Project lying in that State under the Indian Fisheries Act, 1897 (Central Act IV of 1897). Subject to orders a draft letter is also submitted for approval.

Public (Pol) may see ~~for acceptance~~ before issue.

P.W.D. may also see.

29.9.52 Ce 29.9.52

(C.A) DS 1.10.52

5.X.52 to W D

P. W. Pub

Pub (Pol) Legal (

Legal (Scrutiny)

P.W.D.(S.2)

May be licensed and passed on to Pub (Poll.). It does not seem necessary to consult the C.E.T.P in the matter.

7/10/52

11.10.52

ASSISTANT SECRETARY TO GOVT. 16 OCT 1952 82938 PUBLIC WORKS DEPARTMENT

Dem No 59299 F/52-1

6.10.52

ASSISTANT SECRETARY TO GOVT. 21 OCT 1952 16566 LEGAL DEPARTMENT

9/10/52

S.P.I.P.

Do not consult Publ(Poll) matter is limited. Therefore Dem may be marked to Publ(Poll)

13/10/52

Public (Poll) Dept.

ASSISTANT SECRETARY TO GOVT. 25-9 15 OCT 1952 CHIEF SECRETARIAT DEPARTMENT

Publ(Poll).

May be perused and passed on to Legal (Scrutiny)

P. F 293 FS/52-1

14.10.52

15/10/52

16/10/52

Legal (Scrutiny) Public(Poll) No. 2591-B/52-1

22/29/+

– Legal (Scrutiny) Department.

The alterations indicated in the draft notification may be made.

H C M
23 Oct 52

Dev Dept

Dev 122229 fm
Legal U.O 25.10.52
16566/52-1
23-10-52

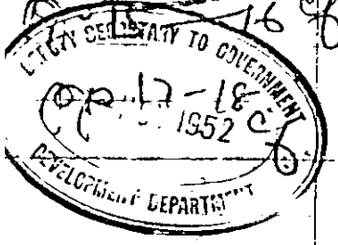
To A.S.

Dev F.

Notes from P 1 above may be perused. The drafts below may now issue.

25.10.52 Dev 27.10.52 Leg 28.10.52 A.S. 29.x.52

M (Agri)



16 cf Issued as Memo No 59299 F/52-5 D) 1-11-52
Issued as Ltr No 59299 F/52-6 D) 1-11-52
To A.S. Dev F

Please see the memo on pp 15-16 cf. The notfn was published on p 479 of Rules Supplement to Part I of F.S.G.G D) 12.11.52. The time limit of one month for receiving objections and suggestions on the draft rules has expired. The D.F. may be consulted whether he has received any objections or suggestions. A draft memo is subd for approval.

A.S. p 15 cf

18/12/52 Dev 18.12.52 Leg 19/12/52

Issued as Memo No 59299 F/52-7 D) 19.12.52
From the D.F Ltr No 11287/52-C2. D) 15-1-53

4/-

To A.S.

Please see the letter from the D.F. on p.21 c.f. in reply to the Government Memorandum on p.19 c.f. No objections or suggestions have been received on the draft rules published with the memo on pp.15-16 c.f. The rules may now be confirmed. A draft order is submitted for approval. Legal (scrutiny) may see before issue.

26-
27.1.53 C.e
29.1.53

A/ 27/1/53 D.S.

28.1.53

Legal (Scrutiny)

Seen in Legal
6.2.53

D.S 6.2.53

Dw no 59299 f/52-9
29.1.53

ASSISTANT SECRETARY
29 JAN 1953
1808
LEGAL DEPARTMENT

To A.S

DW F.

Legal note above may be perused 14888
The draft order below may now issue
Legal no 1606/53-1
6.2.53

7.2.53 C.e
7.2.53

A/ 9/2/53 D.S

D.S. 10.2.53

FIFTH ASSISTANT SECRETARY TO GOVERNMENT
1 FEB 1953
LEGAL DEPARTMENT

Issued as Go no 648 Dw dt 11.2.53